

App F IX :

Previous References

hel 135-41-7, 13

✓
(1941
hel)

File No 135-41.

Serial Nos 19, 29

Later References

GENERAL AND REVENUE SECRETARIAT

Serial Nos

Part B for July 42

SUBJECT

Amendment of a portion of Rule 1 chapter
TV of the rules and bye-laws of the
Mysore city mltly

To,

The President, city ml cl Mysore
L 238/117 42

Respectfully the proposal

hel 23 7-42

Serial
No

7147
From the Dat, eff ml cl, c lly, bore
No GT 2772/41-42 D/21-5-42
Forward for orders of Govt a copy
of the resolution of the C cl D/12 5 1942
resolving to the effect that Govt be
requested to reconsider their orders
passed in the matter of amendment of
a portion of the rule I chapter IV of the Rules
& Byelaws of the Mysore Mlf

1) Submitted for orders with the
connected file (ml 135-41 (7613) wherein
the question was already considered
W/O D/O

29/5 2) The resolution of the Mysore Mlf
ml cl to delete sections 193
(Prosecutions) and 198 (Fines &
Lites) from rule 1 of the rules
relating to the powers of the President
to as to invest the said powers
in the Vice-President was not
accepted by the Govt.

3) The ML be have now
passed a resolution regarding a
reconsideration of the above orders
for reasons now adduced by them
they apprehend that the order
would tend to legal complications

Amendment of a portion of Rule I, Chapter IV
of the Rules & Regulations of the Mysore Agr. Mktg.

File No 135

7147/H

of 1941

General and Revenue
 Secretariat

Serial
 No

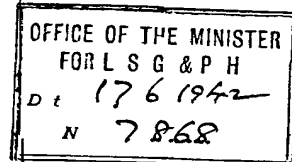
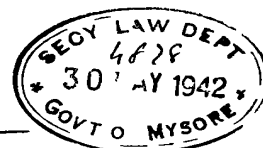
and dead lock

4) The powers mentioned in the above sections are really very important ones and should always vest in the President. The object of the resolution is to wrest these powers from the President & give them to the Vice President so as to enable the Congress to perform the duty of running the administration, superseding the presence of the President altogether. It is not expedient to sanction the request of the Council in such circumstances.

5) The President seeks orders of Govt in the said resolution. In order if any reply should be sent.

Law secy 7 Jan 29/1/42

6) The present situation is, for & there are no provisions to alter the occurrence of Govt can make order already made (L.S.S.)



176
 for
 186

7) on 19/6/42

General and Revenue
Secretariat

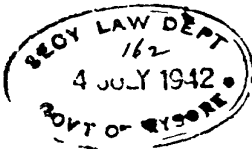
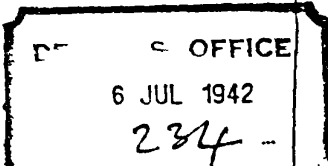
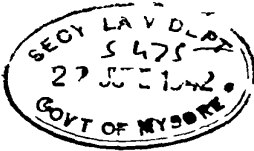
File No

135

of 194/42

[App. F III-2]

Serial
No



7147
L
sent with a draft letter for appl.

6/10
27/6

9 in approval

Law secy 27/6/42

10) 107/226

1) This file which had been put up for reference in connection with the case no 38 was now back today from the P A to the Minister 27/7/42 it is sent for order

Law secy 27/7/42

Secy 12) 107/47 for

Mu 2/7/42

Mu 9-7-42

Mu 9/7/42

29 To The Pdt, City and Cl, Mysore
No L 238 D 11-7-42

States that Govt consider that there are no grounds to alter the decision already communicated to him in this office letter No L 9362/ml 135-41-13 D 2-4-1942

B
13/7/42

NOTE—Cont Sheet

File No

of 194

General and Revenue
Secr tariat

Serial
No

7147/L
OFFICE OF THE PRESIDENT
CITY MUNICIPAL COUNCIL MYSORE

Dated 21st May 1942

S-T No 2772/41-42
Encl one

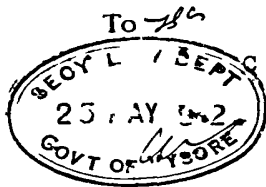
ml/35-4-19

FROM

B S RACHAIAH ESQ. (Ions)
M. NAVANEETHAM NAIDU, Esq., B.A., B.L.

PRESIDENT CITY MUNICIPAL COUNCIL

MYSORE



To: Mr. M. NAVANEETHAM NAIDU ESQ. B.A., B.L.,

Secretary to Government

Law Department Bangalore

Sir

Re - Amendment of a portion of Rule 1 Chapter IV of
the printed Rules and Bye-laws of the Mysore City
Municipality
===

"V"

With reference to your letter No. 9362/1 135-41-13
dated 21st April 1942 regarding the above, I have the honour to
state that your letter under advertence was placed before the
Municipal Council at their meeting held on 30th April 1942
and this was taken for consideration at their adjourned meeting
held on 12th May 1942 when the enclosed resolution was passed
and the same is submitted herewith for final consideration and
orders of Government

I have the honour to be

Sir

Your most obedient servant

B. S. RACHAIAH
SECRETARY
21/5

SR 21/5

MYSORE CITY MUNICIPALITY

Proceedings of the Adjourned Ordinary ~~General~~ Meeting of the
Mysore City Municipal Council held in the Municipal Office
on Tuesday the 12th May 1942, at 4 p m

PRESENT

- B S Raghavendra Rao Esq MA (Hons) *President*
2 P Sta amiah Esq BA BL *Vice President*
3 A Krishna Murty Esq
4 S Linganna Esq
5 T Narasimha Iyengar Esq BA BL
6 A N Suryanarayana Rao Esq
7 Mrs B Kameswaramma BA
8 Agaram Rangiah Esq
9 B Narayanaswamy Esq BA BL
10 M S Nanjappa Esq
11 G R Rangaswamiah Esq
12 E P Nanjappa Esq
13 G J nardan Naidu Esq
14 M R C Basappa Esq
15 T Venkataramiah Esq
16 T S Alikhan Esq

ABSENT

- 17 U L Ramachandra Rao Esq
18 Chowdiah Esq
19 M K Linganna Esq BA LLB
20 M C Mallappa Esq
21 T S Rajagopala Iyengar Esq MA LLB
22 N Rajagopala Iyengar Esq BA BL
23 T Mariappa Esq BA LLB
24 M V Venkataramiah Esq
25 Dr A J Ram L M & S
26 Patnam Sreenivasasetty Esq
27 Mahomed Khalilulla Esq MA LLB
28 Haji Mir Amiruddin Khuraichi Esq
29 S A Kareem Esq
30 B L Maridandiah Esq
31 F C Devaraja Urs Esq

=====

Subject No 789 Letter No 9567/11 135-41-17 dated 2-4-1942,
from the Secretary to Government Law Department Bangalore
stating that Government regret that the resolution No 539 of the
Municipal Council requiring amendment of a portion of the rules in
chapter IV of the rules and bye-laws of the Mysore City Municipality
cannot be accepted as it is contrary to the express terms
of Section 26(1) of the Mysore City Municipalities Act 1933
and also not in accordance with section 49(b) of the act

====

Resolution - This Government Order be referred back to Government for kind consideration, in view of the reasonings pointed out by this Council as noted below -

That the amendment that is now under question, would not contravene Section 26(1) and Section 49(b) of the Mysore City

Municipalities Act 1933 Under Section 26(1) the Vice-President is to exercise the executive function deputed by the President in accordance with the general or special orders of the Government, issued in this behalf

2 The assumption that the functions of the Vice-President could only be determined under Section 26(1) cannot be accepted, in view of the existence of Section 38 in the Act. Independently of Section 26(1) this Council being an autororous body can delegate certain of its executive functions to the President or Vice-President or to an stipendary officer or the Chairman of any Committee as contemplated under Section 38 of the Act

3 The amendment of the Bye-law under question is consistent with the transfer of certain powers from the President to the Vice-President made by this Council as per the Resolution No 539 of this Council

4 Section 49(b) of the Act invoked in this Government Order cannot come in the way of this Council exercising its powers under Section 38 of the Act. Section 38 of the Act also empowers the Council to frame necessary rules. At best the Government can only approve the rules framed by this Council under Section 49 or frame their own rules under Section 223 or modify the rule under Section 229 (f) of the Act

5 This Council respectfully points out that this Government Order under reference would infringe and conflict with powers vested in this Council under the Act, and further this order would tend to legal complications and dead lock

It may also be pointed out that since certain powers have already been delegated to the Vice-President the exercise of such powers by the President would be Ultra Vires

As such this Council respectfully submits that the Government be pleased to reconsider the order and approve the rules framed in accordance with Section 38 of the Act

Moved by *W*B Narayanaswamy

Seconded by *W*T Narasimha Iyengar

"CARRIED"

--

Sd B S Ravendra Rao,

PRESIDENT

" Copy "

B S Ravendra Rao
PRESIDENT

SVR

Appendix F G—1]

SUBJECT

Diary No of letter replied to

General and Revenue Secretariat

()
the 19

Date of issue

11 7 42

Signed by

High Rao

List of enclosures

Copied by

Examined by

Section *ml*
File No *135-41*
Serial No *29*

No *238*

To

*- The Dist, Mysore, Mysore
Sir,*

*with reference to your
letter no. 2772/41-42 of 21-5-42
forwarding for orders a copy
of the resolution of the mlcl
of 12.5.42 resolving that Govt
be requested to reconsider
their orders passed in the
matter of amendment of
a portion of Rule I chapter
IV of the Rules & Byelaws
of the Mysore city mlcl, by
deleting section 193 regarding*

prosecutions and section 98 re
filing suits under the ordinary
powers of the Pdt, so that the powers
may be treated as delegated to
the Vice Pdt, I am directed to state
that you consider that there are
no grounds to alter the decisions
already communicated to ~~you~~ you
in this office letter no L9362/ml "V"
135-41-13 D 2 4-42

I have etc
by 12/6
For sent to East
Law Dept
2/6

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

Dated Bangalore

11 July 1942

No

FROM

The Secretary to the Government of His Highness the Maharaja of Mysore

Law Department

To

the President,

City Municipal Council, Mysore

Sir,

With reference to your letter No G T 2772/41-42 dated 21st May 1942 forwarding for orders a copy of the resolution of the Municipal Council dated 12th May 1942 resolving that Government be requested to reconsider their orders passed in the matter of amendment of a portion of Rule I Chapter IV of the Rules and Bye-Laws of the Mysore City Municipality by deleting Section 193 regarding prosecutions and section 98 regarding filing suits under the ordinary powers of the President so that the powers may be treated as delegated to the Vice-President, I am directed to state that Government consider that there are no grounds to alter the decisions already communicated to you in this office letter No L 9362/M1 135-41-13 dated 2nd April 1942

I have the honour to be

Sir,

Your most obedient servant,

[Signature]
for *[Signature]* Secretary to Government,
Law Department

Aga/2